

REMARKS

Claims 1-22 stand rejected. Claims 1-22 are pending. Applicants respectfully request further examination and reconsideration in view of the remarks set forth below. Applicants believe that the amendments herein to the patent application do not add new matter to it.

Pending Claims

The present Office Action alleges on page 2, first paragraph, second sentence: "Claims 1-21 are pending." However, Applicants respectfully submit that Claims 1-22 are actually pending.

Claim Objections

The present Office Action alleges: "Claim 13 is objected to under 37 CFR 1.75(c), as being improper dependent form for failing to further limit the subject matter of a previous claim." Applicants respectfully submit that Claim 13 as herein amended renders this objection moot.

35 U.S.C. §102 Rejections

Claims 1-3, 5-13, 15-20 and 22 are rejected under 35 U.S.C. §102(e) as being anticipated by Wijntjes et al., U.S. Patent Application Pub. No. 2005/0002032 (hereinafter Wijntjes).

CLAIMS 1-3 and 5-8

Applicants respectfully contend that Wijntjes fails to teach subject matter as recited within amended independent Claim 1. For instance, amended Claim 1 recites in part (emphasis added):

a movable polarizing code element comprising a code;

* * *

a first determination module to identify a quadrant of said movable polarizing code element based on how much illumination passes through a second portion of said movable polarizing code element, said first determination

module comprising an illumination detector located on the same side of said movable polarizing code element as said first and second illumination detectors of said detector module;

Applicants respectfully assert that Wijntjes does not teach the above-recited combination as recited in amended Claim 1. Since Wijntjes fails to teach at least one element recited in amended Claim 1, Applicants respectfully contend that Wijntjes cannot anticipate amended Claim 1. Therefore, Applicants respectfully submit that amended Claim 1 is allowable over Wijntjes.

Furthermore, since Claims 2, 3 and 5-8 depend from newly amended independent Claim 1, Applicants respectfully submit that Claims 2, 3 and 5-8 derive patentability at least therefrom.

CLAIMS 9-13, 15 and 16

Applicants respectfully assert that Wijntjes fails to teach subject matter as recited within amended independent Claim 9. For instance, amended Claim 9 recites in part (emphasis added):

illuminating said movable polarizing code element comprising a code;

* * *

determining a quadrant of said movable polarizing code element based on how much illumination passes through a second portion of said movable polarizing code element, said determining said quadrant comprises utilizing a third photodiode, wherein said first, second, and third photodiodes are located on one side of said movable polarizing code element;

Applicants respectfully contend that Wijntjes does not teach the above-recited combination as recited in amended Claim 9. Since Wijntjes fails to teach at least one element recited in amended Claim 9, Applicants respectfully assert that Wijntjes cannot anticipate amended Claim 9. Therefore, Applicants respectfully submit that amended Claim 9 is allowable over Wijntjes.

Additionally, since Claims 10-13, 15 and 16 depend from newly amended independent Claim 9, Applicants respectfully submit that Claims 10-13, 15 and 16 derive patentability at least therefrom.

CLAIMS 17-20 and 22

Applicants respectfully contend that Wijntjes fails to teach subject matter as recited within amended independent Claim 17. For instance, amended Claim 17 recites in part (emphasis added):

means for illuminating said movable polarizing code element comprising a code;

* * *

means for identifying a quadrant of said movable polarizing code element based on how much illumination passes through a second portion of said movable polarizing code element, said means for identifying said quadrant comprises an illumination detector, wherein said illumination detector, said means for detecting said first amplitude, and said means for detecting said second amplitude are located on one side of said movable polarizing code element;

Applicants respectfully assert that Wijntjes does not teach the above-recited combination as recited in amended Claim 17. Since Wijntjes fails to teach at least one element recited in amended Claim 17, Applicants respectfully assert that Wijntjes cannot anticipate amended Claim 17. Therefore, Applicants respectfully submit that amended Claim 17 is allowable over Wijntjes.

Moreover, since Claims 18-20 and 22 depend from newly amended independent Claim 17, Applicants respectfully submit that Claims 18-20 and 22 derive patentability at least therefrom.

35 U.S.C. §103 Rejections

Claims 4, 14, and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wijntjes as applied to Claims 1, 9, and 17.

CLAIMS 4, 14 and 21

Applicants respectfully submit that amended independent Claims 1, 9, and 17 are allowable over Wijntjes based on the rationale discussed above. Since Claims 4, 14 and 21 depend from amended independent Claims 1, 9, and 17, respectively, Applicants respectfully submit that Claims 4, 14, and 21 derive patentability at least therefrom.

CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of rejected Claims 1-22.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

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Respectfully submitted,
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